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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,527	07/25/2003	Raymond W. Howard	Lucky Line.1320	2915

34284 7590 02/08/2008  
Rutan & Tucker, LLP.  
611 ANTON BLVD  
SUITE 1400  
COSTA MESA, CA 92626

EXAMINER
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GALL, LLOYD A

ART UNIT	PAPER NUMBER
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3673

MAIL DATE	DELIVERY MODE
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02/08/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/627,527

Applicant(s)

HOWARD, RAYMOND W.

Examiner

Lloyd A. Gall

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,9-11 and 14-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-8,12 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

At the outset, applicant should note that the drawings filed on March 30, 2007 are approved. The drawing corrections filed on November 13, 2007 are not approved, and are not necessary. The numeral 19 in the drawing correction of November 13, 2007 is inaccurate.

Claims 1-3, 6-8, 12 and 13 are objected to because of the following informalities: In claim 1, line 2, it is not clear what constitutes the "first means" in the elected Figs. 1-5 embodiment. In claim 1, line 6, "in said case" should read --on said case--. In claim 2, line 2, it is not clear in what sense the button 87 in fig. 14 is planar. In claim 3, line 2, there is no antecedent basis for "said docking buttons". In claim 3, line 2, it is not clear in what sense the buttons are planar. In claim 8, it is not clear what constitutes the "side loop". Appropriate correction is required.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-8, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lautin (937) in view of Ros (951).

Lautin teaches an elongated, generally flat case 12, a docking port 16, 24, first means 27, 60 for attaching the case to a carrying element 52, a tag 14, second means 34 for attaching the tag to keys 40, a docking button 32 for snap fitting in the port, the docking

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button and docking port being mutually planar, a single docking port 16, 24 in figure 1 and plural buttons and docking ports in fig. 4, means 27, 60 for attaching more than one case together in end-to-end fashion, a side loop (34 for cases 12b, 12c in fig. 4), and a spring arm (the topmost portion of button 32 in fig. 10). Ros teaches a second means 9, 10 including a small hole to receive a circular locking rings for holding keys. It would have been obvious to modify the second means 34 of Lautin to include a small hole to receive a circular locking ring, in view of the teaching of Ros, since either well known second means would function just as well in holding keys.

Claims 1, 6-8, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isenmann (934) in view of Ros (951).

Isenmann teaches a flat, elongated case 10, first means (the top chain in fig. 1) which enables the case to be attached to a carrying element, a docking port 42 within the case, a tag 12 having second means (the bottom chain in fig. 1) for attaching to keys, a docking button 40, 50 for lockable engagement in the docking port of the case, a spring arm 36, the button snap-fitting within the docking port, a side loop 30 allows for holding other keys, and the top chain also allows for attaching more than one case together. Ros teaches a second means 9, 10 including a small hole to receive a circular locking ring. It would have been obvious to substitute a circular locking ring for the locking chain of Isenmann, in view of the teaching of Ros, since either well known type of holder for keys would function just as well.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Isenmann in view of Ros as applied to claim 1 above, and further in view of Bienz (498).

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Bienz teaches a single docking port 8 and button 6. It would have been obvious to use a single docking button and port with the key holder of Isenmann, in view of the teaching of Bienz, the motivation being to simplify release of the key holding parts.

Applicant's arguments with respect to claims 1, 2, 6-8, 12 and 13 have been considered but are moot in view of the new ground(s) of rejection.

In response the remarks on page 14, the fifth and sixth full paragraphs, it is not clear from applicant's remarks why the combination of the Isenmann and Ros references does not teach the claimed subject matter.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lloyd A. Gall/  
Primary Examiner, Art Unit 3673

/L. A. G./  
Primary Examiner, Art Unit 3673  
January 30, 2008